IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2006

CORAM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
AND
THE HON'BLE MR. JUSTICE S. MANIKUMAR

WRIT APPEAL No.3091 of 2002

1. V. Ramasamy Gounder
2. Periyathambi Gounder .. Appellants/ Petitioners

vs.

1. State of Tamil Nadu
   Rep. By Secretary to Government
   Adidravidar and Tribal Welfare Department
   Madras 9.

2. Special Tahsildar
   Land Acquisition
   (Adi Dravidar Welfare) Erode. .. Respondents / Respondents

Writ Appeal filed under Clause 15 of the Letters of Patent against the order of the learned Judge Mr. Justice R. Jayasimha Babu, dated 22.12.2000 made in WP.No.4999 of 1994 presented under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records of the Respondents herein issued under section 4(1) of the Land acquisition Act 1894 in G.O.(3-D) No.36, Adi Dravidar and Tribal Welfare Department dated 23.1.1992 published at page 4 of the Tamil Nadu Government Gazette No.8-A Part II, Section 2 dated 26.2.1992 and section 6 Declaration in G.O.(3-D) No.231, Adi Dravidar and Tribal welfare Department, dated 23.3.93 and published at page 1 of Tamilnadu Government Gazette extraordinary No.155 part II, Section 2 dated 26.3.93 and quash the same in so far as it relates to R.S.No.279/1, Erode Village.

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For Appellants : Mr. N.A. Nissar Ahmed
For respondents : Mr. P. Wilson
Spl. Govt., Pleader

JUDGMENT

(Judgment of the Court was delivered by P. SATHASIVAM,J.)

The above writ appeal is directed against the order of the learned single Judge dated 22.12.2000 made in WP.No.4999 of 1994, in and by which the learned Judge, upheld the acquisition proceedings and dismissed the writ petition.

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2. Heard the learned counsel for the appellants as well as the learned Special Government Pleader for the respondents.

3. At the foremost, the learned counsel appearing for the appellants submitted that they were not given adequate opportunity to raise their objections in the enquiry under Section 5-A of the Land Acquisition Act, 1894. The particulars furnished in the counter affidavit as well as the records produced by the learned Special Government Pleader show that the appellants participated in the enquiry under Section 5-A of the Act and their objections were duly considered. Accordingly, we reject the said contention.

4. The learned counsel for the appellants has also raised an objection that there was no proper publication in the newspaper. Here again, the learned Judge, by pointing out the information furnished in the counter affidavit, viz., the publication was effected as per the provisions of the Act and Rules, rejected the said contention. As rightly observed by the learned Judge, there is no reason to disbelieve the stand taken by the respondents in their counter affidavit. Further, the particulars furnished in the counter affidavit and the records produced by the learned Special Government Pleader show that after complying with the provisions of the Act and Rules, award was passed. In such circumstances and in the absence of any other material, we are in agreement with the conclusion arrived at by the learned Judge; consequently, the appeal fails and the same is dismissed. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Secretary to Government
   State of Tamil Nadu
   Adidravidar and Tribal Welfare Department
   Madras 9.

2. The Special Tahsildar
   Land Acquisition
   (Adi Dravidar Welfare) Erode.

1 cc to the Government Pleader, Sr. 34868
1 cc to Mr.R. Kottravel, Advocate, Sr. 34739

Writ Appeal No.3091/02

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